

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

DANNY MARSHALL WILLIAMS,

Plaintiff,

v.

No. 14-cv-0010 KG/SMV

OTERO COUNTY PRISON FACILITY, et al.,

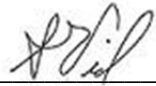
Defendants.

ORDER TO SHOW CAUSE

This matter is before the Court sua sponte. By order entered on February 12, 2014 [Doc. 9], the Court required Plaintiff to make an initial partial payment towards the filing fee. Plaintiff has not made a payment. Financial information in the file [Doc. 8] indicates an adequate balance in Plaintiff's inmate account at the time of filing, which was then depleted for commissary purchases. There is no constitutional violation in requiring an inmate to choose between prison purchases and litigation. *See Shabazz v. Parsons*, 127 F.3d 1246, 1248–49 (10th Cir. 1997). “[W]hen a prisoner has the means to pay an initial partial filing fee and instead spends his money on amenities at the prison canteen or commissary, he should not be excused for failing to pay the initial partial filing fee.” *Baker v. Suthers*, 9 F. App'x 947, 949 (10th Cir. 2001). Failure to comply with the Court's order and statutory requirements may result in dismissal of the complaint.

IT IS THEREFORE ORDERED that, **within fourteen (14) days** from entry of this order, Plaintiff submit the previously ordered \$13.33 statutory initial partial payment or otherwise show cause why this action should not be dismissed.

IT IS SO ORDERED.



STEPHAN M. VIDMAR
United States Magistrate Judge